

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 26 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MONTANA ENVIRONMENTAL
INFORMATION CENTER,

Plaintiff-Appellee,

v.

U.S. OFFICE OF SURFACE MINING, an
agency within the U.S. Department of the
Interior; et al.,

Defendants-Appellants,

and

SIGNAL PEAK ENERGY, LLC,

Intervenor-Defendant.

No. 17-35841

D.C. No. 9:15-cv-00106-DWM
District of Montana,
Missoula

ORDER

The court's records reflect that the notice of appeal was filed during the pendency of a timely filed motion listed in Federal Rule of Appellate Procedure 4(a)(4). The notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See Fed. R. App. P. 4(a)(4).* Accordingly, appellate proceedings other than mediation shall be held in abeyance pending the district court's resolution of the pending motion. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

Within 7 days after the district court's ruling on the pending motion, appellant shall notify this court in writing of the ruling and shall advise whether appellant intends to prosecute this appeal.

To appeal the district court's ruling on the post-judgment motion, appellant must file an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4.

The Clerk shall serve this order on the district court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Sheryl Leung
Deputy Clerk
Ninth Circuit Rule 27-7